

PROB 12C
(4/19)

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NOEL L. HILLMAN
U.S. DISTRICT JUDGE

United States District Court
for
District of New Jersey

Second Amended Petition for Warrant or Summons for Offender under
Supervision

Name of Offender: Zackary McFerren

Docket Number: 16-00190-001
PACTS Number: 2223033

Name of Sentencing Judicial Officer: THE HONORABLE JEROME B. SIMANDLE
SENIOR UNITED STATES DISTRICT JUDGE

Name of Assigned Judicial Officer: THE HONORABLE NOEL L. HILLMAN
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 10/17/2016

Original Offense: Count One: Possession of Child Pornography, 18:2252A (a)(5)(B) and (b)(2)
Count Two: Transferring Obscene Material to a Minor, 18:1470

Original Sentence: 33 months imprisonment, 60 months supervised release

Special Conditions: Special Assessment, Fine, Alcohol Treatment, Drug Treatment, Computer Search, Financial Disclosure, Life Skills Counseling, Mental Health Treatment, No Contact with Minors, No New Debt/Credit, Polygraph Examination, Sex Offender Registration

Type of Supervision: Supervised Release

Date Supervision Commenced: 05/03/2019

Assistant U.S. Attorney: Jason M. Richardson, 401 Market St., 4th Floor, Camden, New Jersey 08101, (856) 757-5026

Defense Attorney: John J. Zarych, 1555 Zion Road #201, Northfield, New Jersey 08225, (609) 641-2266

PETITIONING THE COURT

To issue a warrant
 To Amend the Petition dated August 6, 2019, and update Violation Number 1.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

The offender has violated the mandatory supervision condition which states '**You must not commit another federal, state, or local crime.**'

On July 15, 2019, FBI Agents in New York were alerted by a Confidential Source (CS) that he/she was contacted, via the internet, by an individual who claimed he was having sex with his 12-year-old sister and asked the CS if they knew of anyone that had little girls he could have sex with. The individual making the

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request was utilizing the telephone number of (609) 922-1574¹. The CS contacted the FBI in New York. Thereafter, the FBI commenced dialogue with the person utilizing the (609) 922-1574 telephone number, subsequently identified as Zackary McFerren.

Between July 15, 2019, and July 17, 2019, McFerren communicated with an undercover FBI employee who was posing as a 13-year-old female named "Alli." During the conversations, McFerren expressed an interest in having sex with the 13-year-old female. In addition, during the course of these dialogues, McFerren sent a picture of his face as well as images of his penis. In at least one image, McFerren appears to have written the name "Alli" next to his penis in black ink. In another photo, McFerren's penis had a rope tied around it.

On July 25 and 26, 2019, McFerren communicated with an undercover FBI employee posing as a prostitute. McFerren met the prostitute online and offered to pay \$20 for pictures of an 8-year-old child's vagina and \$20 for a photo of an adult licking the 8-year-old child's vagina.

On July 26, 2019, McFerren communicated with an undercover FBI employee posing as a prostitute and offered \$500 for the prostitute to bring her 8-year-old daughter to New Jersey to have sex with him.

On July 29, 2019, McFerren sent another picture of his penis to the undercover FBI employee who was posing as a 13-year-old female.

The above conduct constitutes a number of federal crimes, namely, Transferring Obscene Material to a Minor, in violation of 18:1470, Attempted Production of Child Pornography, in violation of 18: 2251(a) and Interstate Travel for Commercial Sex Acts in violation of 18: 2251(A)(b).

According to the U.S. Attorney's Office in the District of New Jersey, McFerren is being charged with Transferring Obscene Material to a Minor in violation of 18 U.S.C. 1470.

2

The offender has violated the standard supervision condition which states '**You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the Court or the probation officer.**'

On or about July 17, 2019, the State of Florida Department of Children and Families received a report alleging sexual abuse, sexual battery and physical injury. The Florida Department of Children and Families commenced an investigation after a female informed their office that she met someone who was having sex with his children. In particular, the report alleged the "father" has been raping his minor children for years, and has threatened to kill them. Upon initial investigation, "Present Danger" was not identified because the male who had made the statements to the female was found not to have any children. The investigation revealed the female had met an individual at a bar in Panama City, Florida and identified himself as "Mike" to her. According to the female, she was

¹ This is the same number that McFerren has provided to the U.S. Probation Office as his personal cell phone and contact number of record.

having a drink when “Mike” started a conversation with her. The female could not recall the name of the bar, stating she was tipsy and new to the area. The female and “Mike” continued to converse via text messaging after their initial meeting. In these texts, “Mike” described himself as a divorced business owner who has his children on a full-time basis. “Mike” told her that his daughters were ages 12 and 8. Mike sent her a picture of a 12-year-old girl that has brown hair and glasses. The girl was identified by Mike as his daughter. Mike disclosed to the female that he has raped his children for years. Mike wanted the female to participate in this with him and his children. In his text messages, Mike indicated that he wanted to bring himself and his children to visit with the female. He refused to send a photograph of the 8-year-old until the female gained his trust. Mike also sent a photograph of himself to her from the phone number (609) 922-1574. The female sent a screen shot of this text message to the Florida Department of Children and Families. The female informed she identified herself to him as Cherry. The female stated she was afraid of further involvement as Mike threatened to kill her and her children, as well as his children if she told anyone about their correspondence.

Thereafter, contact was made with a male who identified himself as Mike at (609) 922-1574. Initially, he refused to provide any info to the Florida Department of Children and Families. The investigator provided Mike with her name, office numbers, office address and badge at which time Mike identified himself as Zack. He was hesitant to provide his full identification to the Florida Department of Children and Families, noting his status on supervision. Zack was told he had an hour to provide full information or his telephone number would be pinged for location and law enforcement would respond to his location to address the allegations. The call was ended. “Mike” who now identified himself as “Zack” requested to speak with the investigator from the State of Florida Department of Children and Families and avoid law enforcement involvement. He noted that anytime he was involved with law enforcement, he'd have to tell his probation officer.

Zack provided his driver license via text message from the aforementioned number. It is noted the man was visually the same in appearance as the photograph the department already obtained. The Driver's License is issued from New Jersey and the name is listed as MCFERREN ZACKARY. Some of the lettering is blurry; however, the DOB is noted as XX-XX-XXXX. The expiration is noted as 12/30/2023. There was also an identification number that read as follows: XXXXXXXXXX, Class X. The last 5 numbers were blurry on the image. The address on the driver's license is listed as 204 Colin Avenue, Hammonton, New Jersey. In his statement to the Florida State Department of Children and Families, McFerren denied travel to Panama City, Florida; he stated he had only spoken with the female on the phone. McFerren stated that he is not serious with the female, rather he met her as an escort on the website skipthegames.com. McFerren stated he was unsure if the female has children and was just trying to get “dirty talk.” He added the female requested McFerren pay her \$500 for services to include hanging out for an hour. McFerren stated he tried to ask her specific questions about the services and she stopped responding. He reportedly deleted all the texts from his phone. McFerren denied having a screen name for her and does not know her true name. McFerren reported their interaction occurred two to three days ago. Zack reported he has never been married and does not have children. Zack claimed he had never met the female

in person. He further identified himself to be under federal probation. Zack advised his probation officer is a female and further identified himself as Zackary McFerren, DOB: XX/XX/XXXX.

It is noted that the Florida Department of Children and Families conducted a reverse image search of the photographs provided by McFerren. The child's image came up in a missing person's report from 2015 for Hampden Township PA, with a contact number for reporting information.

The State of Florida Department of Children and Families requested a criminal inquiry through NCIC. Their inquiry with NCIC alerted the probation office of their investigation and the undersigned was provided with the information. The undersigned spoke with State of Florida Department of Children and Families and learned of the aforementioned investigation. At no time was McFerren given permission to travel to Florida during the period of supervised release.

3

The offender has violated the special supervision condition which states '**You must submit to an initial inspection by the U.S. Probation Office, and to any unannounced examinations during supervision, of your computer equipment. This includes, but is not limited to, personal computers, personal digital assistants, entertainment consoles, cellular telephones, and/or any electronic media device which is owned or accessed by you. You must allow manual searches of these devices and the installation on your computer of any hardware or software systems which monitor computer use. You must pay the cost of the computer monitoring program. You may use a computer in connection with employment if approved by the U.S. Probation Office, provided you notify your employer of the nature of your conviction and any computer related restrictions that are imposed on you. The U.S. Probation Office will confirm your compliance with this notification requirement.**'

As outlined in Violation Number 2, McFerren reported he met the female while he was on Skipthegames.com. He stated that he had found an escort, and was just trying to get dirty talk.

McFerren has computer monitoring software installed on his home computer. A review of the monitoring software revealed that he has not accessed Skipthegames.com from the computer being monitored by the probation office. It appears McFerren may be using a device the U.S. Probation Office has not approved.

On July 31, 2019, the undersigned officer was contacted by an FBI agent from the Spokane, Washington office. He advised a member of their community had contacted law enforcement due to concerns regarding messages she had been receiving from McFerren. The concerned citizen advertises her escort services on skipthegames.com and believes that is how McFerren obtained her contact information. According to the agent, on or about July 27, 2019, McFerren contacted this female and initiated conversation. This conversation continued from July 27, 2019 through August 1, 2019. The nature of the conversations were regarding his sexual fantasies, her teaching his daughter to be a "slut" and his trying to raise money to pay her to move to New Jersey so they can have a child together and molest it.

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As noted above, McFerren has computer monitoring software installed on his home computer. A review of the monitoring software revealed that he has not accessed Skipthegames.com from the computer being monitored by the Probation Office. It appears that McFerren may be using a device that the U.S. Probation Office has not approved.

4

The offender has violated the standard supervision condition which states '**If convicted of a felony offense, the defendant shall not possess a firearm or destructive device.**'

On August 6, 2019, agents from the Federal Bureau of Investigation executed a federal search warrant at the offender's home. During the search, the agents located approximately six firearms in the attic of the home, specifically, a 357 revolver, two high power rifles, one shot gun and several smaller caliber rifles. According to the agent, access to the attic was located directly outside of McFerren's bedroom. McFerren is a convicted felon and is not permitted to have a firearm. On May 7, 2019, the undersigned officer reviewed a "Notice Regarding Firearms" document with McFerren explaining his lifetime prohibition from possessing a firearm and explained constructive possession in detail. McFerren was provided a copy of the "Notice Regarding Firearms;" he signed acknowledging receipt.

I declare under penalty of perjury that the foregoing is true and correct.

Christine M. Rennie

By: Christine M. Rennie
Senior U.S. Probation Officer
Date: 12/17/2019 *SAO*

THE COURT ORDERS:

- The Issuance of a Warrant.
- The Issuance of a Summons. Date of Hearing: _____.
- No Action
- To Amend the Petition dated August 6, 2019, and update Violation Number 1. (as recommended by the Probation Office)

Noel L. Luttrell

Signature of Judicial Officer

January 14 2020

Date